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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: March 10, 2008
RESUBMITTED: April 14, 2008

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate Specific Existing Off-Road Vehicle Trails by Designating as Motorcycle-Use Only
Land Use Order of the Director Amendment No. 7 of 2008

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

The Michigan Department of Natural Resources (Department) has designated approximately 3,185 miles of off-road vehicle (ORV) trails and routes, and 2,198 acres of designated scramble area statewide. Within the designated ORV trail and route system, approximately 30% is designated and maintained for motorcycle only use, approximately 50% is designated and maintained for both all-terrain vehicles (ATV) and motorcycle use, and approximately 20% is designated and maintained as an ORV route, open to ORVs of all sizes, including trucks, ATVs, and motorcycles. In addition to the designated ORV trail and route system, thousands of miles of state and national forest roads are open to ORV operation in Michigan's Upper Peninsula.

In 2007, the Department received a petition with over one hundred signatures requesting we implement a Land Use Order of the Director (LUOD) to prohibit ATV operation on designated motorcycle trails. The concern expressed in the petition was that existing designated motorcycle trails are being widened by ATV use.

In some instances, individuals have been operating ATVs (approximately 46-48 inches in width) on trails designated as motorcycle-use only (maintained at a width of 24 inches on the ground and 40 inches at handlebar height). This activity has caused widening of some trails, and a loss of the more technical riding aspect of the trail that many motorcycle riders desire.

The DNR Law Enforcement Division (LED) has indicated they are not authorized to take action against individuals who are using ATVs on motorcycle only trails because "forest trail" is

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defined in statute [MCL 324.81101 (f)] as:

(f) "Forest trail" means a designated path or way capable of travel only by a vehicle less than 50 inches in width.

State Land Use Rules R299.921 (g) defines "designated trail" as:

(g) "Designated trail" means a 1-track path or way which is capable of travel by a 2- to 4-wheel vehicle that is less than 50 inches in width and which has been properly signed on the ground for ORV use.

Therefore, an LUOD is necessary for LED to enforce motorcycle-only use of a trail that has been maintained for motorcycles only. The Department completed an analysis of the ORV trail system to determine which trails still retain a significant amount of motorcycle trail characteristics (mainly narrow, single track trail) and recommend placing the LUOD on the trails listed on the proposed LUOD. These designated trails represent less than 24% of the entire designated ORV trail system.

The Department presented this information to the ORV Advisory Board on February 6, 2008 and held a two week initial public comment period from February 6 – 14, 2008. The results of the public comments indicated a large amount of support for the LUOD. One hundred and twelve comments were received in favor and six comments were submitted against the amendment. The comments submitted against the amendment were mainly in two areas: individuals who operated ATVs and were not pleased they would not be allowed to ride their ATV on these motorcycle trails, and individuals who operate ATVs and did not want the revenue generated from their annual trail permit fee (\$16.25) to be used to maintain trails they could not access.

In response to these concerns, the Department has attempted to include only trails that have primarily retained narrow single track characteristics in this amendment. Therefore, for the most part, ATV riders were not able to complete a typical ride on these trails as they exist today and have not lost any riding opportunity. Regarding the concern over maintaining motorcycle trails with fees paid by ATV users, the Department also maintains ATV trails with funds paid by motorcycle users.

Recommendation:

This order was submitted for information on April 10, 2008 at the Natural Resources Commission Meeting. This item appeared on the Department's March 31, 2008 calendar and may be eligible for approval on May 8, 2008.

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management

Ronald A. Olson, Chief
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Rodney Stokes, Acting Chief
Law Enforcement Division

Armindia S. Koch
Resource Management Deputy

Dennis Fedewa
Chief Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 7 of 2008

By authority conferred on the Director of the Department of Natural Resources by Section 504 of Act No. 451 of the Public Acts of 1994, as amended, being section 324.504 of the Michigan Compiled Laws and in accordance with R 299.671 and R 299.922 of the Michigan Administrative Code, the Director of the Department of Natural Resources orders that the following order of the Land Use Orders of the Director shall read as follows:

4.47 Certain Off-Road Vehicle Trails.

Order 4.47 (1) A person shall not operate a wheeled motorized-vehicle having more than two wheels on the following designated off-road vehicle trails:

(a) North Missaukee motorcycle trail (formerly the northern portion of the north Missaukee trail) located in parts of Kalkaska and Missaukee counties as follows: western segment commencing in section 3, T24N, R07W and ending in section 34, T25N, R06W and eastern segment commencing in section 2, T24N, R06W and also ending in Section 2, T24N, R06W as signed on the trail.

(b) Tin cup spring motorcycle trail (formerly known as tin cup spring trail) located in Lake county.

(c) Little Manistee motorcycle trail (formerly known as little Manistee trail) located in Lake county.

(d) Evart motorcycle trail located in Osceola county.

(e) Long lake motorcycle trail located in Wexford county.

(f) Lincoln hills motorcycle trail (formerly known as Lincoln hills trail) located in Lake county.

(g) Grand Traverse motorcycle trail located in Grand Traverse county.

(h) Hunt creek motorcycle trail (formerly known as hunt creek trail) located in Montmorency and Osceola counties.

(i) Tomahawk motorcycle trail B & C located in Emmet, Charlevoix and Cheboygan counties.

(j) Brevort – trout lake motorcycle trail located in Chippewa and Mackinac counties.

(k) Kinross motorcycle rail located in Chippewa county.

(l) Foreman lake motorcycle trail located in Chippewa county.

(m) Birch hill motorcycle trail located in Chippewa county.

(n) Sandtown motorcycle trail located in Mackinac and Luce counties.

(o) Newberry – Rexton motorcycle trail located in Mackinac and Luce counties.

(p) Porterfield lake motorcycle trail located in Marquette county.

(q) Bass lake motorcycle trail located in Marquette county.

(2) This section does not apply to the following circumstances and/or vehicles:

- (a) Trail segments that extend onto other trails, roads and routes that are open to other types of vehicles.
- (b) Trail maintenance vehicles.
- (c) Law enforcement vehicles.
- (d) Emergency vehicles.
- (e) Department vehicles.
- (f) Other vehicles as authorized by the department.

This order may be posted on or after May 9, 2008.

Issued on this 8th day of May, 2008.

Rebecca A. Humphries
Director